

Panaji, 29th August, 1996 (Bhadra 7, 1918)

SERIES II No. 22

OFFICIAL GAZETTE



GOVERNMENT OF GOA

NOTE: There is one Extraordinary issue to the Official Gazette, Series II No. 21 dated 22-8-1996 namely, Extraordinary dated 26-8-1996 from pages 251 to 252 regarding Order/Notification from Departments of Food & Civil Supplies and of Panchayat Raj and Community Development (Directorate of Panchayats)

GOVERNMENT OF GOA

Department of Labour

Order

No. 28/64/92-LAB

The Following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

S. D. Sadhale, Jt. Secretary (Labour).

Panaji, 12th June, 1996.

IN THE INDUSTRIAL TRIBUNAL
GOVERNMENT OF GOA
AT PANAJI

(BEFORE SHRI AJIT J. AGNI, HON'BLE
PRESIDING OFFICER)

No. IT/9/93

Shri Caridade Pereira,
Caranzalem - Goa.
V/s

— Workman/Party I

M/s Hotel Magsons,
Miramar - Goa.

Workman - Party I absent.

— Employer/Party II

Employer - Party II represented by Adv. P. J. Kamat.

Panaji, dated: 15-4-1996.

A W A R D

In exercise of the powers conferred by clause (d) of Sub-Section (1) of Sec. 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) the Government of Goa by order dated 18-12-1993 bearing No. 28/64/92-LAB referred the following dispute for adjudication by this Tribunal.

(1) "Whether the action of the management of M/s Hotel Magsons, Miramar, Panaji-Goa, in terminating the services of Shri Caridade Pereira, Room Boy, with effect from 22-4-91 is legal and justified?"

(2) If not, to what relief the workman is entitled?"

2. On receipt of the reference the case was registered under No. IT/9/93 and registered A/D notice was issued to the parties. In pursuance of the said notice, the parties put in their appearance. The workman/Party I (for short, 'workman') filed the statement of claim at Exb. 3. The facts of the case in brief as pleaded by the workman are that he was employed as a Room boy by the Employer Party II (for short, 'employer' w.e.f. 1-2-91. Though the employer promised to issue letter of appointment, the same was never issued to the workman. The workman worked for more than 8 hours a day but the employer did not pay to him the over time wages for the extra hours put in by the workman. Since the employer had not issued letter of appointment to the workman nor had paid over time wages to him, the workman approached the Manager and made a request to him to issue the letter of appointment. However, the Manager drove him out and terminated his services verbally for no fault on the part of the workman. The contention of the workman is that the termination of his services by the employer is illegal, unjust and without justification. The workman also contended that no notice was given to him nor wages in lieu of notice were paid to him prior to the termination of his services. The workman thereafter made a complaint to the Asst. Labour Commissioner. Before the Asst. Labour Commissioner the employer stated that the workman was dismissed from the services because he had remained absent for 10 days and also because he was irresponsible and careless during his duty hours. The Workman contended that no enquiry was held against him in respect of the wages levelled against him prior to the termination of his services. The workman therefore pray that he be reinstated with full back wages.

3. The employer filed the written statement at Exb. 7. At the outset the employer stated that reference was not maintainable because the workman had not raised any demand on the employer before approaching the Conciliation Officer. The employer stated that the workman was employed as an additional room boy on purely temporary basis on or about 1st Feb., 1991 for a specific period i.e. till April, 1991. The employer further stated that during the period when the workman was in employment it was found that he was irresponsible and careless in his duties. It was also found that the workman was stealing beverages from the Hotel and was also remaining absent suddenly. That in the month of April, 1991 the workman remained absent for about 10 days and considering all the above factors and as also the fact that no additional room boy was required the employer did not employ the workman after April, 1991. The employer denied that the workman approached the Manager and asked him to issue letter of appointment or that he demanded payment of over time wages. The employer contended that since the workman worked only for 72 days during the period from Feb., 1991 to April, 1991, one month's notice or wages in lieu of notice were not required to be given to the workman. The employer further stated that since the workman was employed purely on temporary basis, and that since his services were not required after April, 1991, the workman was not entitled to any relief as claimed by him. The workman thereafter filed rejoinder which is at Exb. 8.

4. On the pleadings of the parties following issues were framed:

1. Does the Party I/Workman prove that he was employed on permanent basis by the Party II/Employer w.e.f. 1st February 1991?

2. Does the party I/Workman prove that the termination of his services by the management of Party II w.e.f. 22-4-1991 is illegal, unjustified and malafide?

3. Does the Party II prove that the Party I/Workman was employed temporarily for specific period and he was not employed after April, 1991 as his services were not required?

4. Whether the Party I/Workman is entitled to any relief?

5. What Award or Order?

My finding on the issues are as under:

Issue No. 1 - In the negative

Issue No. 2 - In the negative

Issue No. 3 - In the affirmative

Issue No. 4 - As per para. 7 below

Issue No. 5 - As per order below

REASONS

5. **Issue Nos. 1 & 2.** The case of the workman is that he was employed with the employer on permanent basis w.e.f. 1st Feb., 1991 and his services were terminated by the employer illegally, malafidely and without any justification. The burden was therefore on the workman to prove the above facts. The reference of the dispute is made by the Government at the instance of the workman since he challenged the action of the employer in terminating his services w.e.f. 22-4-91 as such he raised an industrial dispute. The Bombay High Court, Panaji Bench, in the case of V.N.S. Engg. Services v/s Industrial Tribunal, Goa, Daman and Diu and another reported in FJR Vol. 71 at page 393 has held that there is nothing in the Industrial Disputes Act, 1947 that indicates a departure from the general rule that he who approaches a Court for a relief should prove his case i.e. the obligation to lead evidence to establish an allegation, the test being that he who does not lead evidence must fail. The Bombay High Court further held that the provisions of Rule 10-B of the Industrial Dispute (Central Rules 1957) which requires the party raising a dispute to file a statement of demands relating only to the issue in the order of reference for adjudication within 15 days from the receipt of the order of reference and forward copies to the opposite party involved, clearly indicates that the party who raises the industrial dispute is bound to prove the contention raised by him and an Industrial Tribunal or Labour Court would be erring in placing the burden of proof on the other party to the dispute. The same view has been taken by the Allahabad High Court in the case of V. K. Raj Industries V/s Labour Court (I) and other reported in 1981 (29) FLR 194. The High Court held that the proceedings before the Industrial Court are judicial in nature even though the Indian Evidence Act is not applicable to the proceedings before the Industrial Court, but the principles underlying the said Act are applicable. The High Court further held that it is well settled that if a party challenges the validity of an order and if no evidence is produced, the party invoking the jurisdiction must fail. The High Court further held that if the workman fails to appear or to file written statement or produce evidence, the dispute referred by the Government cannot be answered in favour of the workman and he will not be entitled to any relief. I am in respectful agreement with the said decision of the Allahabad High Court. In the present case, after the issues were framed several opportunities were given to the workmen to lead evidence. However, the workman failed to do so and hence his evidence had to be closed.

Applying the law laid down by the Bombay High Court in the case of V.N.S. Engg. Services (supra) and by the Allahabad High Court in the case of V. K. Raj Industries (supra) it is evident that the burden was on the workman to prove that he was employed permanently by the employer and that his services were terminated illegally, malafidely and without any justification by leading oral and or documentary evidence. In the absence of any evidence from the workman it cannot be held that the workman was employed permanently w.e.f. 1st Feb., 1991 or that the termination of his services is illegal and unjustified. In the circumstances, I hold that the workman has failed to prove that he was employed permanently or that his services were terminated illegally, malafidely and without justification and hence I answer the issue Nos. 1 & 2 in the negative.

6. **Issue No. 3:** The defence that is set up by the employer is that the workman was not employed permanently but he was employed temporarily for a specific period and that he was not employed after April, 1991 as his services were not required. As I have said earlier no evidence whatsoever has been led by the workman in this case though ample opportunities were given. Only the employer has led evidence by examining Mr. Vasant Naik who is working with the employer as a P.R.O. His deposition has gone unchallenged as the workman did not participate in the proceedings after the issues were framed. Shri Naik has stated in his deposition that two room boys are employed on permanent basis and two additional room boys are employed on temporary basis during the season i.e. for the period from February to April and October to December of every year and that the workman was such an additional room boys employed on temporary basis during the period from Feb., 1991 to April, 1991. In support of his this contention he has produced the attendance register for the period from September, 1990 to April, 1992 Exb. E-1. I have gone through the said attendance register. It shows that the workman was employed only in the month of February, March and April, 1991. The said register further shows that in the month of April, 1991, the workman worked only for a few days i.e. from 1st April to 10th of April, thereafter he remained absent and he resumed his duties on 21st April and again from 22nd April, 1991 he never reported for work. The contention of the employer is that after April, 1991, the workman was not employed because there was no work. This contention of the employer is supported by the attendance register Exb. E-1. The said register does not bear the name of the Workman for the period from May, 1991 to April, 1992 which indicates that the workman was not employed from May, 1991 as contended by the employer. In the circumstances, I hold that the employer has proved by sufficient evidence that the workman was employed temporarily for a specific period and that he was not employed after April, 1991. Hence, I answer the issue No. 3 in the affirmative.

7. **Issue No. 4:** Since the workman has failed to prove that he was employed on permanent basis by the employer w.e.f. 1st Feb., 1991 and that his services were illegally, malafidely, and without justification terminated by the employer, the workman is not entitled to any relief. In the circumstances, I answer the issue No. 4 in the negative and pass the following order:

Order

It is hereby held that there is no termination of services of the workman Shri Caridade Pereira, Room Boy, by the employer M/s Hotel Magsons, Miramar, with effect from 22-4-1991. It is hereby held that workman Shri Caridade Pereira was employed on temporary basis for the period from February, 1991 to April, 1991. It is hereby further held that the workman Shri Caridade Pereira is not entitled to any relief.

There shall be no order as to costs.

Inform the Government accordingly about the passing of the Award.

Sd/-
(AJIT J. AGNI)
Presiding Officer
Industrial Tribunal.

Order

No. 28/50/93-LAB

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

S. D. Sadhale, Jt. Secretary (Labour).

Panaji, 12th June, 1996.

IN THE INDUSTRIAL TRIBUNAL
GOVERNMENT OF GOA
AT PANAJI

(BEFORE SHRI AJIT J. AGNI, HON'BLE
PRESIDING OFFICER)

Ref. No. IT/10/94

Shri Babuso Naik,
Carmi Bhat,
Merces, Ilhas Goa.
V/s

— Workman/Party I

M/s Pedro Baretto,
Solramul Court Building,
Gomes Pereira Road,
Panaji Goa.

— Employer/Party II

Workman/Party I- Represented by Adv. P. J. Kamat.
Employer/Party II- Ex-parte.

Panaji, dated: 7-5-1996.

A W A R D

In exercise of the powers conferred by clause (d) of Sub-section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) the Government of Goa by order dated 29-9-93 bearing No. 28/50/93-LAB referred the following dispute for adjudication by this Tribunal.

"Whether the action of the management of M/s Pedro Baretto, Panaji, Goa, in terminating the services of Shri Babuso Naik, Printer w.e.f. 15-9-92 is legal and justified?

If not, to what relief the workman is entitled?"

2. On receipt of the reference, a case was registered under No. IT/10/94 and registered A/D notice was issued to the parties. In pursuance to the said notice, the parties put in their appearance. The Party I (For short "workman") filed his Claim Statement at Exb. 6. The facts of the case in brief as pleaded by the workman are that he was employed with the Party II (For short "Employer") as a printer with effect from 5-3-1983. The main business of the employer is that of undertaking printing work and besides that the employer also undertakes the work of making rubber stamps, cutting and binding of books etc. The work of printing, binding, cutting is a skilled work and the work of printing done by the printer cannot be done by the person doing the work of binding and cutting and vice versa. The employer asked the workman to do the work of binding, cutting etc. from 11-9-92, besides the work of printing. The workman informed the

employer that he being a printer, he was not supposed to do the work of binding, cutting etc. The employer, thereafter, did not allot any work of printing to the workman and kept him idle till 14-9-92, and thereafter, terminated the services of the workman with effect from 15-9-92. At the time of the termination of the services, the workman was drawing the salary of Rs. 1200/- p.m., though on record it was shown as Rs. 950/- p.m. The workman, thereafter, by letter dated 15-9-92 complained to the Labour Commissioner as regards the termination of his services. Upon the complaint, the Labour Commissioner held the conciliation proceedings, but the same resulted in failure. The workman contended that the termination of his services by the employer amounts to retrenchment and since the employer did not follow the provisions of sec. 25F of the I.D. Act, 1947, the termination of his services is illegal and unjustified. The workman, therefore, claimed that he is entitled to reinstatement with full back wages.

3. The employer filed the Written Statement which is at Exb. 7. The employer stated that his establishment does not fall within the definition of "Industry" as defined under Section 2 (J) of the I. D. Act, 1947. The employer stated that the reference proceeded on the assumption that the services of the workman were terminated when in fact he had abandoned his services. The employer contended that the reference was not maintainable under Sec. 2A of the I.D. Act, 1947. The employer denied that the workman was employed as a printer and stated that the workman was employed as an when work was available on few occasions in a month from 1st January, 1985. The Employer further denied that from 11-9-92, the workman was asked to do the work of binding and cutting and stated that the said work was skilled and the same was done by the employer himself. The employer denied that the services of the workman were terminated w.e.f. 15-9-92 and stated that the workman was asked to come for work on 14-9-92 and 15-9-92 as there was extra work load, but the workman expressed his unwillingness to come for work as he had already secured a job in Navhind Times Publication and that he was also carrying out his own business of mobike-taxi at Mary Immaculate Stand. The employer denied that the workman was drawing a salary of Rs. 1200/- p.m. or that the records showed that he was drawing the salary of Rs. 950/- p.m. The employer stated, that the workman was being engaged on daily wages of Rs. 15/- as and when the work was available. The employer further stated that the workman abandoned the services from 14-9-92 and even though the employer requested the workman to join back, he did not do so, and instead filed an application before the Labour Commissioner. The employer contended that on 20-10-92 an offer was made before the Asst. Labour Commissioner asking the workman to report for work, but the employer refused to accept the said offer. The employer denied that any terms and conditions of Labour were violated or that the services of the workman were terminated illegally and without justification. The employer further denied that the workman had a clear past record and stated that in the first week of November, 1985, the workman was taken in police custody for stealing electric instrument of military signal services, Panaji. The employer, therefore, denied that the workman was entitled to reinstatement in services with full back wages, as claimed by him.

4. The workman, thereafter, filed Rejoinder at Exb. 8, controverting the pleadings made by the employer in the Written Statement. The workman denied that this services were engaged by the employer as and when the work was available. The workman also denied that on 20-10-92, the employer gave an offer to the workman before the Asst. Labour Commissioner asking him to report for work and that he refused to accept the said offer, or that the employer stated to the Asst. Labour Commissioner that the workman had abandoned his services.

5. On the pleadings of the parties, the following issues were framed.

1. Whether the Party I proves that he was employed by the Party II as a printer w.e.f. 5-3-1983 on wages of Rs. 1200/- p.m.?

2. Whether Party I proves that the termination of his services by the Party II without holding enquiry is illegal and unjustified?

3. Whether the Party I proves that the termination of his services by the Party II amounts to retrenchment and for not complying with the provisions of Sec. 25 F of the I.D. Act, 1947, the termination is illegal and bad in law?

4. Whether the Party I proves that the termination of his services by Party II w.e.f. 15-9-92 is illegal and unjustified?

5. Whether the Party II proves that the reference is not maintainable under Sec. 2 A of the I. D. Act, 1947?

6. Whether the Party II proves that its establishment is not an industry within the meaning of Sec. 2 (J) of the I. D. Act, 1947?

7. Whether the Party II proves that the reference is null and void and not maintainable for the reasons stated in para 1 (a) of the written Statement?

8. Whether the Party II proves that Party I has abandoned his services w.e.f. 14-9-92 and inspite of the offer from Party II to join the service, did not do so?

9. Whether the Party I is entitled to any relief?

10. What Award?

6. After the issues were framed, the case was fixed for the evidence of the workman on 3-11-95. On the said date, Advocate for the employer filed an application for permission to withdraw the vakalatnama filed on behalf of the employer. The said application was supported by the copy of the registered A/D notice dated 5-9-95 sent to the employer wherein it was stated by the Advocate for the employer that he was withdrawing his vakalatnama filed on his behalf and he was also informed that the case was fixed for hearing on 3-11-95 at 10.30 a.m. The A/D card showed that the employer had received the said notice. The application filed by the Advocate for the employer was granted and since the employer failed to attend the hearing fixed on 3-11-92, the case was proceeded ex-parte against him, and ex-parte evidence of the workman was recorded.

7. My findings on the issues are as follows:

- Issue No. 1 : In the affirmative.
- Issue No. 2 : In the affirmative.
- Issue No. 3 : In the affirmative.
- Issue No. 4 : In the affirmative.
- Issue No. 5 : In the negative.
- Issue No. 6 : In the negative.
- Issue No. 7 : In the negative.
- Issue No. 8 : In the negative.
- Issue No. 9 : As per para 11 below.
- Issue No. 10 : As per order below.

REASONS

8. Issue No. 1 : In the present case, since the employer remained absent inspite of the opportunity given, the case was proceeded ex-parte against him. Consequently, only the evidence on behalf of the workman is on record and his deposition has gone unchallenged. The workman in his deposition has stated that he was working with the employer since 5th March, 1983 as a printer and at the time when his services were terminated, his last drawn salary was Rs. 1200/- p.m. The employer did not participate in the proceedings, the statement of the workman has gone unchallenged. The employer had taken the

stand in the Written Statement that the workman was engaged on few occasions in a month on daily wages of Rs. 15/- as an when the work was available. However, the employer did not lead any evidence in this respect. On the other hand, this contention of the employer is disproved by the certificate Exb. W-1 which is issued by the employer itself. This certificate which is dated 14-2-92 certifies that the workman was working with the employer and he was drawing salary of 1200/- p.m. This certificate therefore, establishes the fact that the workman was working with the employer and his salary was Rs. 1200/- p.m. I have no reasons to disbelieve the statement of the workman that he was working with the employer as a printer from 5th March, 1983 much so when his statement has gone unchallenged. Besides, in his complaint to the Labour Commissioner dated 15-9-92, Exb. W-2, the workman had clearly stated that he was working with the employer as a printer. The minutes of the conciliation proceedings Exb. W-3 and the failure report Exb. W-4 do not show that the employer at any time disputed that the workman was not working with the employer as a printer from 5-3-83. In the circumstances, I hold that the workman has succeeded in proving that he was working with the employer as a printer w.e.f. 5th March, 1983 and his last drawn wages were Rs. 1200/- p.m. and hence I answer the issue No. 1 in the affirmative.

9. Issues No. 2, 3 and 4: These issues are taken up together as they are inter-related to one another. The contention of the workman is that he worked with the employer from 5-3-1983 till 14-9-92 and the employer terminated his services illegally and without any justification from 15-9-92. In the written statement at para 5, the employer took the defence that the services of the workman were not terminated but he abandoned the services with effect from 14-9-92 and even though the employer requested him to join back, he did not do so. In the case of Gangaram K. Medekar v/s Zenith Safe Mfg. Co. & others, reported in 1996 (1) CLR 172, the Bombay High Court held that the employer unilaterally cannot say that the workman was not interested in employment, and for this reason a domestic enquiry has to be held. In the said case also, the employer had taken the defence that the services of the workman were not terminated but he had voluntarily left the service as he was not interested in employment. Therefore, in the present case as per the law laid down by the Bombay High Court in the above case, the employer ought to have held domestic enquiry. However, no such enquiry was held by the employer nor there is any evidence on record to show that the employer had given the offer to the workman to join back. Therefore, termination of the services of the workman without holding inquiry is illegal and unjustified. The contention of the workman is that the employer terminated his services w.e.f. 15-9-92 because he refused to do the work of binding and cutting. As I have said earlier, only the workman had led evidence by examining himself, and he has also produced documentary evidence in support of his case. The deposition of the workman has gone unchallenged and no contrary evidence has been produced by the employer. Therefore, there is no reason to disbelieve the contention of the workman that the employer terminated his services w.e.f. 15-9-92 and more so when there is no evidence from the employer that the workman abandoned his services from 14-9-92. Now the contention of the workman is that the termination of his services amounts to retrenchment and since the employer did not comply with the provisions of Sec. 25 F of the I. D. Act, 1947, termination of his service is illegal. Sec.2 (oo) of the I. D. Act, 1947 defines "Retrenchment" as follows:

"Retrenchment" means the termination by the employer of the service of a workman for any reason whatsoever otherwise than as a punishment inflicted by way of disciplinary action, but does not include-

- (a) Voluntary retirement of the workman; or
- (b) retirement of the workman on reaching the age of superannuation of the contract of employment between the employer and the workman concerned contains a stipulation in that behalf,

or

(bb) termination of the service of the workman as a result of the non-renewal of its contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf concerned therein; or

(c) termination of the service of a workman on the ground of continued ill-health;

Since there is no evidence that the services of the workman were terminated as matter of punishment nor the case of the workman falls within the exception laid down in Sec. 2 (oo) of the I. D. Act, 1947, the termination of the services of the workman amounts to retrenchment as contended by the workman and I hold it accordingly. Sec. 25 F of the I.D. Act, 1947 lays down the procedure for retrenchment and if the provisions of the said section are not complied with the termination is illegal. As per Sec. 25 F of the I.D. Act, 1947, the services of a workman who is in continuous service for not less than one year cannot be retrenched unless he has been given one month's notice or paid wages in lieu of such notice and he has been paid compensation at the rate of 15 days average wage per each completed year of continuous service or any part thereof in excess of six months. The above conditions are the conditions precedent to retrenchment. Sec. 25 B (2) of the I.D. Act 1947 defines "continuous service". It states that a workman shall be deemed to be in continuous service under an employer for a period of one year if the workman during the period of 12 calendar months preceeding the date with reference to which calculation is to be made has actually worked under the employer for not less than 190 days in the case of a workman employed below ground in a mine and 240 days in any other case. The workman in his deposition has stated that he was working with the employer since 5th March, 1983 and his services were terminated by the employer on 15-9-92. He has also stated that at the time of termination of his services, he was not paid wages, compensation of other dues. This statement of the workman has gone unchallenged. There is no evidence to the contrary from the employer. Therefore, the workman had worked for more than 240 days prior to the termination of his services, and as such, the provisions of Sec. 25 F of the I.D. Act, 1947 are attracted to the workman. The Supreme Court in the case of M/s Avon Services Production Agency Pvt. Ltd. v/s Industrial Tribunal, Hariyana & others, reported in AIR 1979 SC 170 has held that failure to comply with the provisions prescribing conditions precedent for valid retrenchment in Sec. 25 F renders the order of retrenchment invalid and inoperative. In the present case there is no evidence that one month's notice was given to workman or wages in lieu of such notice was paid to the workman or retrenchment compensation was paid to him. This being the case, the termination of services of the workman becomes illegal and bad in law. In the circumstances, I hold that the workman has succeeded in proving that the termination of his services by the employer with effect from 15-9-92 is illegal and unjustified. I, therefore, answer the issue Nos. 2, 3 and 4 in the affirmative.

10. Issue Nos. 5, 6, 7 and 8: The employer in the written statement had taken the defence (1) That the reference is not maintainable under Sec. 2A of the I.D. Act, 1947;

(2) That the establishment of the employer is not an "Industry" within the meaning of Sec. 2(J) of the I.D. Act, 1947 (3) That the reference is null and void for non application of mind and (4) That the services of the workman were not terminated but he had abandoned his services. Accordingly, the above issues were framed casting the burden on the employer to prove the above issues. However inspite of the opportunity given, the employer did not participate in the proceedings and allowed the case to proceed ex-parte against it. Consequently, the deposition of the workman has gone unchallenged and there is absolutely no evidence from the employer to prove the above issues. Thus the employer has totally failed to discharge the burden cast on him. In the circumstances, I hold that the employer has failed to prove the issues cast on him hence I answer the Issue Nos. 5, 6, 7 and 8 in the negative.

11. Issue No. 9: I have already held that the termination of the services of the workman by the employer with effect from 15-9-92 is illegal and unjustified. Now, the question is what relief should be

awarded to the workman. The workman has claimed reinstatement with full back wages. The workman in his deposition has stated that since the date of termination of his services, he is unemployed. There is no evidence on record to disprove this contention of the workman. The ordinary rule is that when the order of termination of services of a workman is held to be illegal and unjustified, the workman should be reinstated with full back wages unless there are circumstances which do not warrant reinstatement or full back wages. In the present case, I do not find any reason to deviate from this normal rule. The Supreme Court in the case of State Bank of India v/s N. Sundara Money reported in AIR 1976 SC at page 1111, after holding that the termination of the services of the workman was illegal for not complying with provisions of Sec. 25 F of the I. D. Act, 1947, awarded reinstatement to the workman with full back wages. The Supreme Court in para 10 of its judgement held as follows:-

"What follows? Had the State Bank of India known the law and acted on it, half month's pay would have concluded the story. But that did not happen. And now, some years have passed and the Bank has to pay for no service rendered. Even so, hard cases cannot make bad law. Reinstatement is the necessary relief that follows".

In the present case also, the services of the workman were terminated without complying with the provisions of Sec. 25F of the I.D. Act, 1947. Also, there is no evidence that the workman was gainfully employed after his services were terminated. Therefore, in the facts and circumstances of the present case also, it is just and proper to award reinstatement to the workman with full back wages. In the circumstances, I hold that the workman is entitled to reinstatement with full back wages and all other consequential benefits. Hence, I pass the following order.

ORDER

It is hereby held that the action of the Management of M/s Pedro Barreto, Panaji Goa in terminating the services of the workman Shri Babusso Naik, Printer w.e.f. 15-9-92 is illegal and unjustified. The workman Shri Babusso Naik is ordered to be reinstated with full back wages and all other consequential benefits.

There shall be no order as to costs.

Inform the Government accordingly about the passing of the Award.

Sd/-
(AJIT J. AGNI)
Presiding Officer
Industrial Tribunal

Department of Law & Judiciary
Law (Establishment) Division

District and Sessions Court, South Goa

Order

No. DSC/MAR/GEL-10/1996/3213

Kum. Nutan D. Sardesai, Civil Judge, Jr. Division and Judicial Magistrate, First Class, Quepem is hereby granted provisionally leave for 3 days with effect from 12-8-1996 to 14-8-1996 with permission to prefix 10th and 11th August, 1996 being 2nd Saturday and Sunday and to suffix 15th August, 1996 being Holiday.

On return from the leave Kum. Nutan D. Sardessai is reposted as Civil Judge, Jr. Division and Judicial Magistrate, First Class, Quepem.

During that above leave period, Smt. Manju Sharma, Civil Judge, Sr. Division and Judicial Magistrate, First Class, Quepem shall look after the urgent Civil and Criminal work pertaining to the Court of Civil Judge, Jr. Division and Judicial Magistrate, First Class, Quepem in addition to her own duties.

Necessary permission to leave Official Headquarters during the aforesaid period is also hereby granted.

G. V. Ratnam, District & Sessions Judge (South).

Margao, 9th August, 1996.

**Notification by the District and Sessions Judge South Goa
Margao**

No. DSC/MAR/IMP-253/1996/3279

Applications are invited for 3 posts of Special Judicial Magistrate from persons in Government service or retired Government servants, for performing duties as Special Judicial Magistrates in the South Goa District. A Special Judicial Magistrate, so appointed will have to do the work of recording statements during investigation (including confessional statements, dying declarations and the statements during the identification parades) on a call given by the Investigating Agency concerned.

Honorarium: Each Judicial Magistrate would be paid an honorarium of Rs. 50/- (Rupees Fifty) on each occasion.

Qualification: To be eligible for appointment the applicant must be a

- (a) a Citizen of India;
- (b) (i) a graduate in law of any statutory University; or
(ii) a graduate of any statutory University, having experience of not less than seven years in legal affairs; or
(iii) has held any judicial post for not less than three years; or
(iv) has experience of work as an Honorary Magistrate for not less than five years;
- (c) is physically and mentally fit to discharge the duties;
- (d) is neither a practising advocate, attorney nor pleader;
- (e) is a person who has not been convicted of any offence involving moral turpitude;
- (f) possesses sufficient knowledge of the language of the Court, namely Marathi/Konkani.

If in Government service the applicant must produce a no-objection certificate from his concerned Government office.

Applications by persons possessing the requisite qualifications and experience should be made to the District and Sessions Judge, South Goa, Margao giving full particulars of their names, addresses and qualifications in the prescribed proforma, along with a recent passport size photograph.

The last date of receiving such applications is 30-9-1996.

Note: The tenure of the post of Special Judicial Magistrates appointed under Section 13 of Cr. P. C. shall not exceed one year with effect from the date they assumed charge of the post.

G. V. Ratnam, District & Sessions Judge (South).

Margao, 16th August, 1996.

Department of Personnel

Order

No. 15/2/86-PER

Shri Arun L. Desai, Joint Mamlatdar, Tiswadi is hereby posted as Mamlatdar, Tiswadi with effect from 1-7-96 vice Shri V. J. Bhandodkar, Mamlatdar Tiswadi who completes his extended term of service on 30-6-1996.

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Joint Secretary (Personnel).

Panaji, 26th June, 1996.

Order

No. 5/22/76-PER (Vol. III)

On the recommendation of Departmental Promotion Committee as conveyed by the Goa Public Service Commission vide their letter No. COM/II/11/50(1)/95 dated 21-6-1996, the Government is pleased to promote on regular basis Shri R.N. Ray, Senior Town Planner to the post of Chief Town Planner (Group 'A' Gazetted) in the scale of pay of Rs. 3700-125-4700-150-5000, in the Town and Country Planning Department, Panaji, with immediate effect.

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Joint Secretary (Personnel).

Panaji, 1st July, 1996.

Department of Planning

Order

No. 4-3-81/Plg-Vol. II (Part I)

Read:- Government Order No. 4-3-81/PLG-Vol. II (Part I) dated 27-6-1995.

Sanction of the Government is hereby conveyed for extension of deputation of Shri S. H. Bhat, Statistical Officer of the Common Statistical Cadre of the Directorate of Planning, Statistics and Evaluation, Panaji to Kadamba Transport Corporation, Panaji for a further period of one year from 1-7-96 to 30-6-1997 to man the post of Statistical Officer in the Kadamba Transport Corporation on the

same terms and conditions contained in the Government order cited above.

By order and in the name of the Governor of Goa.

G. S. Zuarkar, Under Secretary (Budget).

Panaji, 9th July, 1996.

Department of Power

Order

No. 2/31/89-Power(Part II)

On the recommendation of the Goa Public Service Commission vide their letter No. COM/II/11/16(2)/90-95 (Vol. II) dated 10-5-1996, the following Junior Engineer (Electrical) in the Electricity Department are promoted to the post of the Assistant Engineer (Electrical) on regular basis in the pay scale of Rs. 2000-60-2300-EB-75-3200-100-3500 with effect from the date they take over the charge.

- 1) Shri V. L. Sulakhe.
- 2) Shri R. G. Dessai.
- 3) Shri V. P. Mohanan.
- 4) Shri S. L. Naik.
- 5) Shri G. V. Prasad.
- 6) Shri T. V. K. Govindan.
- 7) Shri Shivshankaran K.

The above Officers shall be on probation for a period of two years.

Posting order in respect of the above Officers shall be issued separately.

By order and in the name of the Governor of Goa.

Smt. A. Menezes, Under Secretary (Power).

Panaji, 10th July, 1996.

Department of Public Health

Order

No. 5/17/85-PHD

On recommendation of the Goa Public Service Commission vide letter No. COM/II/11/30(6)/90 dated 28-2-96, Government is pleased to promote Dr. (Mrs) Rosa D'Souza to the post of Associate Professor of Pharmacology on regular basis in the pay scale of Rs. 3000-100-3500-125-5000 plus Spl. pay of Rs. 200/- per month with immediate effect.

Dr. (Mrs) Rosa S. D'Souza need not be on probation since the promotion is from one group 'A' post to another group 'A' post.

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Health).

Panaji, 29th March, 1996.

Order

No. 8/114/87-II/PHD

On recommendation of the Goa Public Service Commission vide letter No. COM/II/11/30(1)/96 dated 28-2-96, Government is pleased to promote Dr. Jose Domingos Savio Rodrigues, Assistant Professor of Microbiology to the post of Associate Professor of Microbiology in Goa Medical College on regular basis in the pay scale of Rs. 3000-100-3500-125-5000 plus spl. pay of Rs. 200/- per month with immediate effect.

Dr. J. D. S. Rodrigues need not be on probation since the promotion is from one group 'A' post to another group 'A' post.

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Health).

Panaji, 29th March, 1996.

Order

No. 8/117/87-II/PHD

On recommendation of the Goa Public Service Commission vide letter No. COM/II/11/30(7)/90 dated 28-2-96, Government is pleased to promote Dr. (Mrs) Shanta Hede, Lecturer of Pharmacology to the post of Assistant Professor of Pharmacology, Goa Medical College, Bambolim on regular basis in the pay scale of Rs. 3000-100-3500-125-5000 plus spl. pay of Rs. 100/- with immediate effect.

Dr. (Mrs) Shanta Hede need not be on probation since the promotion is from one group 'A' to another group 'A' post.

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Health).

Panaji, 1st April, 1996.

Order

No. 8/53/94-I/PHD

Read:- Order No. (1) 7/17/91-I/PHD dated 27-7-94,
(2) 7/17/91-I/PHD dated 5-12-95.

Government is pleased to relieve Smt. Maria Angustia Machado from the post of Clinical Instructor, Institute of Nursing Education under the Directorate of Health Services w.e.f. 30-4-96 (A.N.) to enable her to report to Government Hospital, Marwar-Daman in view of her lien to her parent Department.

Smt. Maria A. Machado is directed to report to Senior Surgeon, Government Hospital, Marwar-Daman.

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Health).

Panaji, 26th April, 1996.

Order

No. 5/77/80-PHD

Government is pleased to abolish the post of Assistant Dean, Goa Medical College on superannuation/retirement of Dr. J. J. N. Couto, w.e.f. 1-3-1996.

The post of Assistant Dean, Goa Medical College was created vide order No. GOA/PH/7/8110 dated 18-4-1963.

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Health).

Panaji, 7th May, 1996.

Order

No. 7/20/88-I/PHD

On recommendation of Goa Public Service Commission vide their letter No. COM/I/5/24(15)/89, Vol. II dated 1-4-96, Dr. Vishal Vishwanath Gude is appointed as Jr. Gynaecologist (Group 'A' Gazetted) under the Directorate of Health Services with immediate effect in the pay scale of Rs. 2200-75-2800-EB-100-4000 on the terms and conditions contained in the memorandum of even number dated 24-4-96 and posted as Jr. Gynaecologist in Hospicio Hospital, Margao against vacant post.

He shall be on probation for a period of two years.

Dr. Gude has been declared medically fit by the Medical Board and the appointment is subject to the verification of his character and antecedents.

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Health).

Panaji, 23rd May, 1996.

Order

No. 13/10/95-I/PHD

Government is pleased to transfer Dr. Anil Sadanand Rane, Medical Officer, Primary Health Centre, Pernem and post him as Medical Officer in Community Health Centre, Canacona with immediate effect against vacant post.

Health Officer, Primary Health Centre, Pernem should relieve him immediately without waiting for substitute.

Dr. Rane should report to Canacona without availing joining period in public interest.

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Health).

Panaji, 29th December, 1995.

Order

No. 7/11/87-I/PHD/Vol. II/P.F.

Read:- Govt. Order No. 7/19/91-I/PHD dated 1-1-96.

On recommendation of the Goa Public Service Commission as contained in their letter No. COM/II/11/24(2)/90 dated 17-10-95, Government is pleased to promote the following officers of the Directorate of Health Services on regular basis to the post of Health Officer or post of equal grade under Directorate of Health Services with immediate effect and posted at the places shown against each of them:

Sr. No.	Name of the Officer	Place of posting & designation
1.	Dr. (Smt.) Mathura Usgaonkar, Medical Officer, Primary Health Centre, Corlim.	Health Officer, Community Health Centre, Canacona against vacant post.
2.	Dr. Maria Odette Sequeira, M.O. Primary Health Centre, Cansaulim.	Health Officer, Primary Health Centre, Valpoi against vacant post.

Both above officers shall be on probation for a period of two years.

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Health).

Panaji, 1st January, 1996.

Order

No. 7/19/91-I/PHD(1)

Read:- 1. Government Order No. 7/19/91-I/PHD (A) dated 23-10-1991.

2. High Court Order dated 20-7-95 in Writ Petition No. 101/92, 181/92, 405/92 & 442/91.

On the recommendation of the review D.P.C. communicated by Goa Public Service Commission vide their reference No. COM/II/11/24(2)/91 dated 13-11-95 Government is pleased to promote/regularise the following officers of the Directorate of Health Services on regular basis to the post of Chief Medical Officers or post of equal grade under Directorate of Health Services with immediate effect:

Sr. No.	Name of the officer
1.	Dr. Gurudas P. Mambro.
2.	Dr. Antonio A. A. Lobo.
3.	Dr. Prakash Nadkarni.
4.	Dr. Ramesh Malkarnekar.
5.	Dr. N. S. Dumo.
6.	Dr. Quessova Malvodkar.
7.	Dr. Joaquim Fernino de Rocha.
8.	Dr. Anant Naik.
9.	Dr. Leslie B. Saldanha.
10.	Dr. Bhicaji F. Ghanekar.

Dr. Prakash Nadkarni is presently holding the post of the Dy. Director of Health Services on ad hoc basis and therefore Government is pleased to regularise the appointment of Dr. Naraina S. S. Edo against the vacant post of Chief Medical Officer which was held by Dr. Prakash Nadkarni and shall continue to work where he is presently working untill further order.

To the above extent the Government order dated 23-10-91 referred to as 1 above stands modified.

The above stated officers shall be on probation for a period of two years.

The posting of the officers from Sr. No. 1 to 10 above is being issued separately.

The promotion is subject to the final result on the petition filed by Dr. N.S. Dumo, State Nutrition Officer in the High Court.

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Health).

Panaji, 1st January, 1996.

Order

No. 5/88/83-PHD

On recommendation of the Goa Public Service Commission vide letter No. COM/II/11/30(4)/95 dated 14-12-95, Government is pleased to promote Dr. (Mrs) Mangala Verenkar to the post of Professor of Microbiology, Goa Medical College in the scale of pay of Rs. 4500-150-5700+NPA per month with effect from 2-9-1993 on regular basis (the date of her ad hoc promotion).

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Health).

Panaji, 2nd January, 1996.

Order

No. 4/10/92-I/PWD/Vol. I

Read:- Order No. 4/10/92-I/PHD/Vol.I (1) dated 10-2-95.

The ad hoc appointment of the below mentioned Officers under the Directorate of Health Services, Panaji made vide order mentioned above is extended up to 30-6-1996.

Sr. No.	Name and designation of the officer
1.	Dr. L.A.R. Costa, Medical Supdt. cum Dy. Director, Hospicio Hospital, Margao.
2.	Dr. Prakash Nadkarni, Dy. Director (Public Health) D.H.S., Panaji.
3.	Dr. Karan Singh Gunjyal, Dy. Director (Medical) D.H.S., Panaji.

This has the concurrence of the Goa Public Service Commission vide their letter No. COM/II/11/24(2)/92 dated 15-12-1995.

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Health).

Panaji, 8th January, 1996.

Order

No. 8/16/95-IV/PHD

Read:- Memorandum No. 11-3-89-IV/PHD/I (Part. I) dated 2-1-96.

On recommendation of Goa Public Service Commission vide their letter No. COM/II/5/14(16)/89 dated 8-12-1995, the Government is pleased to appoint Dr. Vikas Dhupar to the post of Lecturer in Oral Surgery in Goa Dental College and Hospital, Bambolim on regular basis on an initial pay of Rs. 2200/- in the pay scale of Rs. 2200-75-2800-EB-100-4000 plus N.P.A. and other allowances with effect from the date of his joining the above post as per the terms and conditions contained in the memorandum referred to above. Dr. Dhupar shall be on probation for a period of two years.

Dr. Vikas Dhupar has already been examined by the Medical Board of the Goa Medical College and found medically fit.

His appointment is subject to verification of his character and antecedents.

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Health).

Panaji, 9th January, 1996.

Order

No. 4/21/90-III/PHD

Whereas the post of Assistant Professor in Institute of Psychiatry & Human Behaviour was advertised in 1984 by Union Public Service Commission while Goa was a part of Union Territory of Goa, Daman & Diu and Dr. Pushpabai J. Dukle was selected by the Union Public Service Commission for the post.

And whereas on the selection and appointment of Dr. Pushpabai J. Dukle, Dr. Hirabai Borkar the aspirant candidate filed petition before the Central Administrative Tribunal challenging the selection of Dr. Pushpabai J. Dukle and Central Administrative Tribunal upheld the contention of Dr. Hirabai Borkar and quashed the selection and appointment of Dr. Pushpabai J. Dukle.

And whereas, an appeal was filed by the Government against the said order of the Central Administrative Tribunal in favour of Dr. Hirabai Borkar and the Supreme Court dismissed the appeal petition of the Government and maintained the Central Administrative Tribunal's order.

Now, therefore the said Dr. Hirabai Borkar is hereby appointed as Assistant Professor in Institute of Psychiatry & Human Behaviour in

the pay scale of Rs. 3000-100-3500-125-5000 plus NPA+Spl. pay of Rs.100/- per month with immediate effect.

Dr. Borkar shall be on probation for a period of two years. Her pay shall be fixed in the scale of Assistant Professor as per the Rules.

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Health).

Panaji, 12th January, 1996.

Order

No. 8/29/92-I/PHD

Read:- Order No. 7/18/91-I/PHD dated 5-5-95.

Government Order No. 7/18/91-I/PHD dated 5-5-95 by which the charge of the post of Principal in the Institute of Nursing Education of the Directorate of Health Services was assigned the incumbent holding the post of Director (Administration) in the Directorate of Health Services in addition to his own duties is hereby withdrawn as the incumbent did not take the charge of the post of Principal.

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Health).

Panaji, 30th January, 1996.

Order

No. 8/1/96-II/PHD

Read: Memorandum No. 8/1/96-II/PHD dated 22-1-96.

On recommendation of Goa Public Service Commission vide letter No. COM/II/5/30(8)91 dated 2-1-96, Government is pleased to appoint Dr. Guruprasad R. Pednekar to the post of Lecturer in Obstetrics & Gynaecology, Goa Medical College, Bambolim on an initial pay to be fixed according to the rules in the scale of pay of Rs. 3000-100-3500-125-5000 plus N.P.A. with immediate effect as per the terms and conditions contained in the above referred memorandum.

Dr. Pednekar will be on probation for a period of 2 years.

He has been medically examined and found fit for the post. His character and antecedents are also verified.

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Health).

Panaji, 2nd February, 1996.

Order

No. 5/31/82-I/PHD

Government is pleased to declare that Dr. Pradeep Dhanjekar, Medical Officer under the Directorate of Health Services has

satisfactorily completed the probation period of two years from 9-1-91 to 8-1-93.

By order and in the name of the Governor of Goa.

Celina Dias e Caldeira, Under Secretary (Health).

Panaji, 6th February, 1996.

Order

No. 8/40/91-I/PHD

Government is pleased to declare that Dr. Datta Hari Bhat, Homoeopathic Physician under the Directorate of Health Services has satisfactorily completed the probation period of two years from 26-7-91 to 25-7-93.

By order and in the name of the Governor of Goa.

Celina Dias e Caldeira, Under Secretary (Health).

Panaji, 6th February, 1996.

Order

No. 8/77/87-I/PHD

Government is pleased to declare that Dr. Bansidhar Talkar, Medical Officer, under the Directorate of Health Services has satisfactorily completed the probation period of two years from 9-1-91 to 8-1-93.

By order and in the name of the Governor of Goa.

Celina Dias e Caldeira, Under Secretary (Health).

Panaji, 6th February, 1996.

Order

No. 8/56/91-I/PHD

Government is pleased to declare that Dr. (Smt.) Swati Mulgaonkar, Jr. Anaesthetist under the Directorate of Health Services has satisfactorily completed the probation period of two years from 29-10-91 to 28-10-93.

By order and in the name of the Governor of Goa.

Celina Dias e Caldeira, Under Secretary (Health).

Panaji, 6th February, 1996.

Order

No. 8/129/87-I/PHD

Government is pleased to declare that Dr. Chandrakant Parab, Medical Officer under the Directorate of Health Services has satisfactorily completed the probation period of two years from 9-1-91 to 8-1-93.

By order and in the name of the Governor of Goa.

Celina Dias e Caldeira, Under Secretary (Health).

Panaji, 6th February, 1996.

Order

No. 8/44/91-II/PHD

Government is pleased to accept the resignation tendered by Dr. Shivanand V. S. Priolkar, Assistant Lecturer in P.S.M. Goa Medical College, Bambolim with effect from 31-1-96 (A.N.).

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Health).

Panaji, 18th March, 1996.

Order

No. 8/4/93-I/PHD

Government is pleased to declare that Dr. Jose Flavio Diniz, Jr. Anaesthetist under the Directorate of Health Services has satisfactorily completed the probation period of two years from 23-2-93 to 22-2-95.

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Health).

Panaji, 28th March, 1996.

Order

No. 8/27/89-I/PHD

Government is pleased to accept the Technical resignation tendered by Dr. (Smt.) Patricia Sequeira, of the post of Medical Officer under the Directorate of Health Services and to relieve her w.e.f. 1-4-96 (B.N.) to enable her to take the assignment as Medical Officer in Goa University, Bambolim.

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Health).

Panaji, 29th March, 1996.

Order

No. 87/167-86/PHD/GDCH

Government is pleased to accept the resignation tendered by Dr. (Miss) Maria Sebastiana Juliana D'Costa, Lecturer in Pedodontics in Goa Dental College and Hospital, Bambolim with effect from 26-1-1996.

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Health).

Panaji, 29th March, 1996.

Order

No. 4/20/95-II/PHD

Whereas Dr. (Mrs) Suzette Menezes, Professor of Pathology, Goa Medical College, Bambolim is due to retire on 31-3-1996 on attaining the age of superannuation of 58 years;

And whereas the said Dr. Menezes filed a Writ Petition No. 363/95 in the High Court of Panaji pointing out that teaching faculty in all Colleges, Universities in Goa including the Schools in Goa retire at the age of 60 years while only the teaching faculty of Goa Medical College, Goa Dental College etc. have retained the age of 58 years for retirement;

And Whereas the High Court has disposed off her petition ordering that all the teaching posts in Goa should be fixed at 60 years of age for the purpose of retirement and that the petitioner should retire on 31-3-1998.

Now therefore, Government is pleased to continue the services of Dr. (Mrs) Suzette Menezes, Professor of Pathology, Goa Medical College upto 31-3-1998 i.e. the age of 60 years.

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Health).

Panaji, 29th March, 1996.

Addendum

No. 8-13-95-IV/PHD

Read:- Order No. 8-13-95-IV/PHD/2816 dated 14-9-1995.

Following para may be added below para one to the above referred Government order:

"Dr. (Mrs) Anita Dhupar shall be on probation for a period of two years".

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Health).

Panaji, 10th January, 1996.

Addendum

No. 50/20/84-PHD

Read: Government Order No. 5/20/84-PHD dated 29-9-1995.

Following para may be added below para three to the above referred Government order:

“Dr. (Miss) Pushpabai Janardana Dukle shall be on probation for a period of two years”.

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Health).

Panaji, 19th January, 1996.

Addendum

No. 13/1/95-I/PHD/Part

Read:- Government Order No. 13/1/95-I/PHD-Part dated 21-12-1995.

In the above mentioned order the last line in para one may be substituted to read as follows:

“The said increased relief has come into force with effect from 1-4-1995”.

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Health).

Panaji, 21st March, 1996.

Department of Public Works

Order

No. 7/25-86-PW&UD/VI

Government is pleased to accept the resignation tendered by Shri Pascoal B. Noronha, of the post of Asstt. Engineer in the Public Works Department, vide his letter dated 5-10-1993.

Accordingly, he stands relieved from Government service with effect from 31-1-1996(A.N.).

By order and in the name of the Governor of Goa.

Smt. A. Menezes, Under Secretary (PWD).

Panaji, 2nd April, 1996.

Order

No. 7/10-14/93-PWD

Government is pleased to order transfers/posting with immediate effect of the following Executive Engineers/Surveyor of Works, working in Public Works Department, in public interest:

Sr. No.	Name & designation	Present posting	Transferred & posted at
1.	Shri U. H. Naik, Surveyor of Works	Circle I (Bldgs), P.W.D., Altinho, Panaji.	Div. VII (N. H.), PWD, Panaji vice Shri C. Radhakrishnan, Executive Engineer transferred.
2.	Shri C. Radhakrishnan, Executive Engineer.	Div. VII (N.H.), P.W.D., Panaji.	Circle I (Bldgs.), PWD, Altinho, Panaji vice Shri U. H. Naik Surveyor of Works.

The transferees should join their new place of posting immediately and for this purpose the Chief Engineer (PWD) shall make necessary arrangements.

By order and in the name of the Governor of Goa.

Smt. A. Menezes, Under Secretary (PWD).

Panaji, 6th October, 1995.

Order

No. 7/20-1/88-PWD

Government is pleased to transfer in public interest and with immediate effect the following Assistant Engineers/Assistant Surveyors of Works, working in the Public Works Department as indicated below:

Sr. No.	Name of the Officer	Present place of posting	Proposed place of posting
1	2	3	4
1.	Shri P. Balan	Circle I (Bldgs), P.W.D., Altinho, Panaji, as ASW.	Circle II (Bldgs-Projects), P.W.D., Altinho, Panaji, as A. S. W. vice Shri V. Y. Prabhudessai.
2.	Shri V. Y. Prabhudessai	Circle II (Bldgs-Projects), PWD, Altinho, Panaji, as A.S.W.	Circle I (Bldgs.), PWD, Altinho, Panaji as A.S.W. vice Shri P. Balan.

The transferees should join their new posting immediately and for this purpose the Chief Engineer (PWD), shall make necessary arrangements.

By order and in the name of the Governor of Goa.

Smt. A. Menezes, Under Secretary (PWD).

Panaji, 3rd November, 1995.

Addendum

No. 7/10-14/93-PWD

Read: Government order No. 7/10/14/93-PWD dated 11-8-95.

The following para shall be added to the above referred Government order after last para:-

"The Officers indicated at Sr. No. 2, 3 & 7 who were awaiting posting for the period as shown hereunder shall draw their salaries against the posts indicated against them as follows. All these posts belong to one Cadre only:

Sr. No.	Name of Officer	Awaiting posting	Shown against the post of
1	2	3	4
1.	Shri V.P. Agrawal, Executive Engineer	From 18-4-95 to 13-8-95 (118 days)	
		i. 18-4-95 to 25-6-95 (69 days)	Leave vacancy of Shri K.G. Rao, S.E., Circle IV (Roads), South, PWD, Margao.
		ii. 26-6-95 to 13-8-95 (49 days)	Vacancy of Shri E. S. Namboodri, Engineering Officer, PWD. (The post was vacant from 21-6-95 to 14-8-95.
2.	Shri P. C. Gupta, Executive Engineer	From 26-4-95 to 16-8-95 (113 days)	
		i. 26-4-95 to 5-5-95 (10 days)	Leave vacancy of Shri V. L. Kamat, E. E., Div XIX (Bldgs), G.M.C. Complex, PWD, Bambolim
		ii. 6-5-95 to 7-5-95 (2 days)	Leave vacancy of Shri C. R. Nagraj, E. E. Div. XIV (NH), PWD, Margao.
		iii. 8-5-95 to 19-5-95 (12 days)	Leave vacancy of Shri S. A. Mandrekar, E. E. Div. XXII, (M&E-South) P.W.D., Margao.
		iv. 20-5-95 to 2-6-95 (14 days)	Leave vacancy of Shri J. P. D'Souza, E. E. Div. VIII (Bldg.) South. P.W.D., Margao.
		v. 3-6-95 to 23-6-95 (21 days)	Leave vacancy of Shri A. V. Verlekar, E. E. Div. IV (M&E North) PWD, Tonca.
		vi. 24-6-95 to 25-6-95 (2 days)	Shri Namboodri (Post vacant from 21-6-95 to 14-8-95).

1	2	3	4
		vii. 26-6-95 to 7-7-95 (12 days)	Leave vacancy of Shri Som Prakash, E. E., Div. XXIII (Roads), PWD, Panaji.
		viii. 10-7-95 to 4-8-95 (26 days)	Leave vacancy of Shri A. A. Salam, Surveyor of Works, Office of S. S.W., PWD, Altinho, Panaji.
		ix. 7-8-95 to 16-8-95 (10 days)	Shri K. G. Rao, S. E., Circle IV (Roads South) P.W.D., Margao.
3.	Shri J. N. Ambikar, Executive Engineer	15-5-95 to 14-8-95 (91 days)	Technical Examiner in the Directorate of Vigilance (Post vacant upto 31-8-95).

By order and in the name of the Governor of Goa.

Smt. A. Menezes, Under Secretary (PWD).

Panaji, 8th November, 1995.

Department of Revenue

Notification

No. 29/29/96-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Construction of internal roads in V. P. Curti Kandepar, ponda.

Now, therefore, the Government hereby notifies, under sub-section (1) of section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or order persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication, of this Notification, will, under clause (seventh) of section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course: If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints, under clause (c) of section 3 of the said Act, the Dy. Collector/S.D.O. Ponda to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government also authorises, under sub-section (2) of section 4 of the said Act, the following Officers to do the Acts, specified therein in respect of the said land.

1. The Collector, North Goa District, Panaji.
2. The Dy. Collector/S.D.O. Ponda.

3. The Executive Engineer, Division XVIII (Roads), P. W. D. Ponda.
4. The Director of Settlements and Land Records, Panaji.
6. A rough plan of the said land is available for inspection in the Office of the Dy. Collector/S.D.O. Ponda for a period of 30 days from the date of publication of this Notification in Official Gazette.

SCHEDULE

(Description of the said land)

Taluka: Ponda		Village: Khandepar	
Survey No./ /Sub-Div. No.	Names of the persons believed to be interested	Approx. area in sq. mts.	
1	2	3	
158/1 part	H: 1. Krishna K. Bhandenakar 2. Kashinath V. S. Khandeparkar. 3. Vinayak G. S. Khandeparkar. 4. Prafullachandra S. Khandeparkar. 5. Govind F. S. Khandeparkar. 6. Gajanan K. S. Khandeparkar. 7. Gajanan S.S. Khandeparkar.	100	
158/2 "	H: 1. Pedro S. Fernandes. 2. Niclau alias Nicholas Fernandes. 3. Subhash Vidyadar Shikar.	1000	
168 part	H: 1. Vishnu Shivram S. Khandeparkar 2. R. B. S. Khandeparkar. 3. Maheshwar Raya S. Khandeparkar. 4. Madhukar V. S. Khandeparkar. 5. Prakash S. S. Khandeparkar. 6. Janardhan M.S.Khandeparkar.	1900	
170. part	H: Anant Govind S. Khandeparkar.	1000	
Boundaries:-			
North: S. No. 169/- S. No. 170/2. S. No. 159/- S. No. 158/1.			
South: S. No. 158/2. S. No. 168/- S. No. 158/1.			
East: S. No. 158/2. S. No. 170/2.			
West: Road.			
Total.....		4000	

By order and in the name of the Governor of Goa.
Maria A. Rodrigues, Under Secretary (Revenue).
Panaji, 25th June, 1996.

Notification
No. 22/43/96-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified is the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose, viz. Erection of 33/11 K.V Sub-Station at Cuinamol, Rivona, Sanguem.

And whereas in the opinion of the Government the provisions of sub-section (1) of section 17 of the Land Acquisition Act, 1894

(Central Act I of 1894) (hereinafter referred to as "the said Act") are applicable.

Now, therefore the Government hereby notifies under-section (1) of section 4 of the said Act, that the said land is likely to be needed for the purpose specified above.

The Government further directs under sub-section (4) of section 17 of the said Act that the provisions of section 5A of the said Act shall not apply in respect of the said land.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication, of this Notification, will, under clause (seventh) of section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints, under clause (c) of section 3 of the said Act Deputy Collector/ S.D.O., Quepem, to perform the functions of a Collector, South Goa District, Margao under the said Act in respect of the said land.

5. The Government also authorises under sub-section (2) of section 4 of the said Act, the following officers to do the acts specified therein in respect of the said land.

1. The Collector, South Goa District, Margao.
2. The Deputy Collector/ S. D. O., Quepem.
3. The Chief Electrical Engineer, Electricity Department, Vidyut Bhavan, Panaji.
4. The Director of Settlement and Land Records, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Deputy Collector/S.D.O., Quepem, for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Taluka: Sanguem		Village: Rivona	
Survey No./ /Sub-Div. No.	Names of the persons believed to be interested	Approx. area in sq. mts.	
1	2	3	
97/1	Occupant: Comunidade of Rivona.	2200	
"/2	Occupant: -do- Vahivatdar. Phondu Molu Palekar.	2500	
99/1	Occupant: -do- Vahivatdar. Phondu Molu Palkar.	300	
Total.....		5000	

By order and in the name of the Governor of Goa.

Maria A. Rodrigues, Under Secretary (Revenue).

Panaji, 22nd August, 1996.